

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MANUEL A. WAGAN,

No. C 07-4898 WHA (PR)

Petitioner,

ORDER OF TRANSFER

vs.

K. MENDOZA-POWER, Warden,

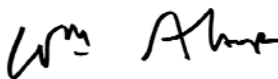
Respondent.

This is a habeas case filed pro se by a state prisoner. He seeks review of a denial of parole by the Board of Parole Hearings. He was convicted in the Superior Court of San Mateo County, which is in this district, and is housed at Avenal State Prison, which is in the Eastern District.

Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner's challenge goes to the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), this case is **TRANSFERRED** to the United States District Court for the Eastern District of California.

IT IS SO ORDERED.

Dated: September 28, 2007.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE